



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E.2
4/18/96

EPA Region 5 Records Ctr.



227167

APR 18 1996

REPLY TO THE ATTENTION OF:

SE-5J/ERB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Lindsay Light II Site
316 East Illinois Street, Chicago, Illinois
General Notice of Potential Liability

Dear Sirs:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a Site Health and Safety Plan.
2. Develop and implement Site security measures.

3. Develop and implement an air monitoring program.
4. Remove contamination until the cleanup criterion of 5 picoCuries per gram total radium (radium-226 + radium-228) over background is achieved. This cleanup criterion will be met in each 15 centimeter layer below the surface. Averaging over areas up to 100 square meters will be allowed, but only after reasonable efforts have been made to achieve levels As Low As Reasonably Achievable (ALARA). It is not U.S. EPA's intent to leave any elevated areas if at all possible.
5. Establish local background for radium-226 and radium-228 from four soil samples taken on the property at points where the gamma exposure rates are lowest plus eight soil samples taken off-site, but in the immediate vicinity, of the parking lot.
6. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants at a Resource Conservation and Recovery Act (RCRA)/CERCLA-approved disposal facility in accordance with the U.S. EPA off-site policy.
7. Conduct off-site surveying and sampling as necessary and, at a minimum, implement 40 Code of Federal Regulations (CFR) 192, if deemed necessary should contamination be discovered beyond current site boundaries.
8. Backfill all excavations with suitable material, and if soil, test borrow source for radioactivity and other pertinent characteristics in 40 CFR Part 261.

U.S. EPA has received information that your organization, in its current status or as a successor corporation, may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA has discussed with you the entry of an administrative consent order under which you would have agreed to perform or finance response activities and would have reimbursed U.S. EPA for its costs. After negotiations occurred between your organization and U.S. EPA, it

was determined that a consent order could not be promptly concluded; therefore, U.S. EPA intends to issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within five (5) business days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Debra F. Regel
U.S. EPA - Region 5
Emergency Support Section SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

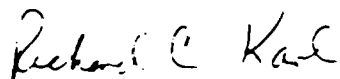
If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Nancy-Ellen Zusman, of the U.S. EPA Office of Regional Counsel at (312) 886-5825.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard C. Karl".

Richard C. Karl, Chief
Emergency Response Branch

LIST OF PRPs RECEIVING GENERAL NOTICE LETTER
LINDSAY LIGHT II SITE

The Chicago Dock & Canal Trust
c/o Vincent S. Oleskiewicz, Esq.
Baker & McKenzie
One Prudential Plaza
130 East Randolph Street
Suite 3200
Chicago, Illinois 60601

Kerr-McGee Chemical Corporation
c/o Richard A. Meserve, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Post Office Box 7566
Washington, D.C. 20044-7566

bcc: Nancy-Ellen Zusman, ORC (C-29A)
Verneta Simon, OSC (SE-5J)
John Maritote, EESS (SE-5J)
Debbie Regel, EESS (SE-5J)
Toni Lesser, Public Affairs, (P-19J)
Don Henne, Department of Interior
Alicia Corley, SETS, (OS505)
Tony Audia, Accounting, (MF-10J)
Records Center (SMR-7J)
ERB Read File
Larry Jensen, ARD (AT-18J)